

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN

IN RE:

TAMMY LYNETTE NADEAU
FKA TAMMY CHAMBERLAIN

HONORABLE JAMES W. BOYD
CASE NO. 19-00584-JWB
CHAPTER 13

DEBTOR.

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**MOTION OF HYUNDAI LEASE TITLING TRUST FOR RELIEF FROM
THE AUTOMATIC STAY AND FOR WAIVER OF PROVISIONS OF
FRBP 4001(a)(3)**

Hyundai Lease Titling Trust (“Creditor”), pursuant to 11 U.S.C. §§ 361-363 and LBR 9013 and 4001-1 (W.D.M.), moves for relief from the Automatic Stay to permit foreclosure of its security interest on the Debtor's vehicle, to wit: 2017 Kia Sorento bearing Vehicle Identification No. 5XYPGDA31HG280754 and for waiver of the provisions of FRBP 4001(a)(3). This Motion is based on the following:

1. This Court has jurisdiction over the proceeding pursuant to 28 U.S.C. § 1334 and 28 U.S.C. § 157.
2. On February 6, 2017, the Debtor entered into a Lease Agreement with the Creditor, a copy of which is attached as Exhibit B.

3. On February 18, 2019 (the Petition date), Debtor filed a Voluntary Petition for Relief under Chapter 13 of the Bankruptcy Code.

4. The Chapter 13 Plan filed on February 18, 2019, states the Debtor will assume the lease and will continue making direct payments to Hyundai Lease Titling Trust.

5. On May 31, 2019, the Chapter 13 Plan was confirmed.

6. The Lease matured May 6, 2020, and the vehicle was returned to the Creditor on June 6, 2020.

7. The Creditor is the owner of the above-mentioned vehicle.

8. Pursuant to 11 U.S.C. § 362(d)(2), the Debtor has no equity in the vehicle as it is the property of the Creditor.

9. The Creditor is entitled to relief from the Automatic Stay to foreclose upon its collateral, and to take all action necessary to protect its interest, pursuant to 11 U.S.C. § 362(d)(1) and (2).

10. The proposed Order for Relief from the Automatic Stay is attached as Exhibit A.

In conclusion, the Creditor requests the following:

(a) The entry of the attached Order of Creditor for Relief from the Automatic Stay (Exhibit A); **and**

(b) Such other relief the Court deems necessary for the Creditor to protect its interest in its collateral and provide adequate protection.

O'REILLY RANCILIO P.C.

/s/ Craig S. Schoenherr, Sr.

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